

# SIXTY-EIGHTH DAY

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WEDNESDAY, MAY 7, 1997

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## PROCEEDINGS

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

Jerry Bradley, Administrator, Texas Baptist Children's Home, Round Rock, accompanied by his wife Linda and daughter Bethany Leffingwell, offered the invocation as follows:

Heavenly Father, our prayer today comes from the Psalms of King David, one who has been described as a man after Your own heart — a man who led his people, inspired them through his courage, but revealed his human weakness so often through his mistakes. Let us find his words our challenge today as he said, "Trust in the Lord, and do good." May we here in this chamber desire to do good in all decisions which affect our neighbors and the citizens of Texas. "Dwell in the land and cultivate faithfulness" causes us to realize that trust is critical in human relationships and that our responsibility to maintain trust with our constituents and each other is paramount. And finally, "Delight yourself in the Lord, and He will give you the desires of your heart" reveals to us that we all live under the authority of a higher power and that our greatest desire is for peace. Many of us want all the comforts of life, but truly our deepest desire is for peace here in the halls of government, in our families, between neighbors, in our great state, our nation, and this world. And Lord, let us not forget to ask that You bless the children. May all we do be for their betterment so that their world may have peace because we care. Amen. (Psalms 37:3-4)

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**CO-AUTHOR OF SENATE BILL 25**

On motion of Senator Truan and by unanimous consent, Senator Lucio will be shown as Co-author of **SB 25**.

**MESSAGE FROM THE HOUSE****HOUSE CHAMBER**

Austin, Texas

Wednesday, May 7, 1997

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

**THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**

**HB 89**, Relating to the applicability of habitual offender punishment provisions to certain defendants convicted of state jail felonies.

**HB 561**, Relating to the exchange of information between certain health care regulatory agencies.

**HB 671**, Relating to a prohibition of certain underwriting decisions based on credit reports; providing a penalty.

**HB 767**, Relating to an exemption from tuition and fees at a public institution of higher education for certain students in foster or other residential care.

**HB 812**, Relating to certain communications between physicians, dentists, or other providers and patients or health care plan enrollees and to certain related contracts.

**HB 864**, Relating to coverage under group health benefit plans for certain students.

**HB 891**, Relating to the age of a person who may be married without formalities.

**HB 966**, Relating to water safety; providing penalties.

**HB 1028**, Relating to strategic partnership agreements between certain local governments.

**HB 1070**, Relating to drug regulation and enforcement under the Texas Controlled Substances Act and to the authority of certain state agencies under that Act and to certain penalties for the use of a controlled substance to commit the offense; imposing criminal penalties.

**HB 1166**, Relating to municipal regulations concerning insurance for taxicabs.

**HB 1336**, Relating to the emergency protection of children and to the issuance of a legislative continuance in an action for a protective order.

- HB 1418**, Relating to the regulation of motor carriers of household goods.
- HB 1427**, Relating to the possession and use of tobacco products by employees of the Texas Department of Criminal Justice.
- HB 1466**, Relating to the probation ordered for certain delinquent conduct and the waiver and transfer of jurisdiction by a juvenile court.
- HB 1476**, Relating to the priorities for distribution of certain assets of insurance companies in receivership.
- HB 1528**, Relating to the smart jobs fund program.
- HB 1637**, Relating to increased penalties for fraudulent or other unlawful acts committed under the state Medicaid program that result in injury to a child.
- HB 1664**, Relating to the imposition of a criminal penalty for the intentional removal, damage, or concealment of signs or markers giving information about the location of certain underground facilities.
- HB 1751**, Relating to certain individuals who may bring a suit to contest the paternity of a child.
- HB 1784**, Relating to the amount of assistance granted under the financial assistance program for persons with dependent children.
- HB 1937**, Relating to notice to an owner or operator of a motor vehicle of security required following an accident.
- HB 2062**, Relating to rate proceedings before the commissioner of insurance.
- HB 2491**, Relating to participation by community colleges in the state employee charitable contribution program.
- HB 2606**, Relating to the appraisal and ad valorem taxation of a retail manufactured housing inventory; providing penalties.
- HB 2673**, Relating to the disclosure of health care information by certain providers of health care.
- HB 2749**, Relating to standards adopted for and registry of juvenile pre-adjudication and post-adjudication secure detention and correctional facilities by the Texas Juvenile Probation Commission.
- HB 2799**, Relating to investment practices of governmental entities.
- HB 2846**, Relating to the provision of health care services by advanced practice nurses and physician assistants in collaborative practice with physicians.
- HB 2900**, Relating to the authority of a municipality and a county to regulate the subdivision of land in the extraterritorial jurisdiction of a municipality.
- HB 3380**, Relating to the adoption of the National Guard Mutual Assistance Counter-drug Activities Compact.
- HB 3530**, Relating to energy savings projects for school districts, institutions of higher education, and state agencies.

**SB 667**, Relating to the creation and administration of a program to assist individuals who are deaf or hard of hearing or who have an impairment of speech to purchase specialized telecommunications devices for telephone service access.

**SB 753**, Relating to the liability of the operator of a railroad.

**SB 758**, Relating to the offense of criminal mischief involving graffiti and the regulation of customer access to aerosol paint.  
(Committee Substitute/Amended)

**SB 802**, Relating to the collection of certain information related to health care and the functions and duties of the Texas Health Care Information Council; providing a penalty.  
(Committee Substitute/Amended)

**SB 900**, Relating to eligibility for, and payment of, benefits by certain public retirement systems for municipal employees.  
(Amended)

**SB 1879**, Relating to the powers of the Lower Colorado River Authority to provide water services in Williamson County.

**SB 1913**, Relating to the application of insurance law to certain service contracts and asset management contracts.

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

**SB 249** (133 Yeas 7 Nays 1 Present-not voting)

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

#### SENATE RESOLUTION ON FIRST READING

The following resolution was introduced, read first time, and referred to the committee indicated:

**SCR 85** by Sibley

Directing that the Raleigh Building in Waco be named the Abner McCall Building.

To Committee on Administration.

#### HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

**HB 155** to Committee on Health and Human Services.

**HB 226** to Committee on Health and Human Services.

**HB 332** to Committee on State Affairs.

**HB 349** to Committee on Economic Development.

**HB 455** to Committee on Jurisprudence.

**HB 629** to Committee on State Affairs.

HB 727 to Committee on Health and Human Services.  
HB 839 to Committee on Economic Development.  
HB 1001 to Committee on State Affairs.  
HB 1006 to Committee on Criminal Justice.  
HB 1161 to Committee on Intergovernmental Relations.  
HB 1203 to Committee on Intergovernmental Relations.  
HB 1259 to Committee on Criminal Justice.  
HB 1310 to Committee on Intergovernmental Relations.  
HB 1334 to Committee on State Affairs.  
HB 1356 to Committee on Economic Development.  
HB 1439 to Committee on Health and Human Services.  
HB 1498 to Committee on Economic Development.  
HB 1534 to Committee on Health and Human Services.  
HB 1542 to Committee on Natural Resources.  
HB 1611 to Committee on Education.  
HB 1742 to Committee on Jurisprudence.  
HB 1855 to Committee on Finance.  
HB 1868 to Committee on Health and Human Services.  
HB 1961 to Committee on State Affairs.  
HB 2001 to Committee on Economic Development.  
HB 2067 to Committee on State Affairs.  
HB 2192 to Committee on Health and Human Services.  
HB 2482 to Committee on Health and Human Services.  
HB 2703 to Committee on State Affairs.  
HB 2906 to Committee on State Affairs.  
HB 3189 to Committee on Finance.  
HB 3194 to Committee on Natural Resources.  
HB 3254 to Committee on Criminal Justice.  
HB 3281 to Committee on Jurisprudence.

(Senator Whitmire in Chair)

#### MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
May 5, 1997

TO THE SENATE OF THE SEVENTY-FIFTH LEGISLATURE,  
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE CREDIT UNION COMMISSION:

For a term to expire February 15, 1999

RICHARD ALLEN GLASCO, Jr.

2204 Klattenhoff Drive

Austin, Texas 78728-5420

Mr. Glasco will be replacing Terry Stapleton of Houston whose term expired.

For a term to expire February 15, 2003

J. HOWELL "HAL" THOMAS

3801 September

Baytown, Texas 77521

Mr. Thomas will be replacing Larry Olivarez of Corpus Christi who is no longer eligible to serve.

TO BE MEMBERS OF THE TRINITY RIVER AUTHORITY OF TEXAS,  
BOARD OF DIRECTORS for terms to expire March 15, 2003:

LESLIE C. BROWNE

2102 Carmel Court

Arlington, Texas 76012

Mr. Browne will be replacing Denny K. Kramer of Fort Worth whose term expired.

HECTOR ESCAMILLA, Jr.

2519 Willowdale Drive

Carrollton, Texas 75006

Mr. Escamilla will be replacing Percy Howard, Jr., of Huntsville whose term expired.

BENNY L. FOGLEMAN

114 Campbell Wood

Livingston, Texas 77351

Mr. Fogleman will be replacing Constance T. Slocomb of Livingston whose term expired.

JANE M. FOUTY

1443 Oaklawn Drive

Post Office Box 1431

Corsicana, Texas 75151

Ms. Fouty will be replacing Mellie R. Howard of Corsicana whose term expired.

EDWARD EUGENE HARGETT

721 East Houston

Crockett, Texas 75836

Mr. Hargett will be replacing Jake E. Caprielian of Crockett whose term expired.

JOHN W. JENKINS

Star Route, Box 745

Hankamer, Texas 77560

Mr. Jenkins will be replacing David B. Jenkins of Stowell whose term expired.

JACK C. VAUGHN, Jr.

3617 Normandy

Dallas, Texas 75205

Mr. Vaughn will be replacing Carol N. Magee of Dallas whose term expired.

TO BE MEMBERS OF THE TEXAS COMMISSION FOR THE DEAF AND  
HARD OF HEARING for terms to expire January 31, 2003:

DOUGLAS L. BUSH  
5226 Cripple Creek Court  
Houston, Texas 77017-5424

Mr. Bush will be replacing Paula Bartone-Bonillas of Corpus Christi whose term expired.

ROBIN E. RICCARDI  
11314 North County Road 14  
Shallowater, Texas 79363

Ms. Riccardi is being reappointed.

BENNA TIMPERLAKE  
110 Amistad  
Corpus Christi, Texas 78404

Ms. Timperlake will be replacing Valerie Newell Johnson of Waco who resigned.

TO BE A MEMBER OF THE TEACHER RETIREMENT SYSTEM OF TEXAS, BOARD OF TRUSTEES for a term to expire August 31, 2001:

JAMES P. CUMMINGS, Jr.  
2622 Oxford Avenue  
San Angelo, Texas 76904

Mr. Cummings will be replacing Lisa Trevino Cummins of San Antonio who resigned.

TO BE MEMBERS OF THE TEXAS HISTORICAL COMMISSION for terms to expire January 31, 2003:

J. P. BRYAN  
1221 Lamar, Suite 1600  
Houston, Texas 77010

Mr. Bryan will be replacing Thomas E. Kroutter, Jr., of Port Arthur whose term expired.

CHRIS JOHN CARSON  
1408 Wiltshire  
San Antonio, Texas 78209

Mr. Carson will be replacing Dr. Dan Alvin Willis of Fort Worth whose term expired.

CARL RANDALL McQUEARY  
P.O. Box 626  
Salado, Texas 76571

Mr. McQueary is being reappointed.

CLINTON P. WHITE  
P.O. Box 7  
Wharton, Texas 77488

Mr. White will be replacing George E. Christian of Austin whose term expired.

TO BE A MEMBER OF THE TEXAS SOUTHERN UNIVERSITY BOARD for a term to expire February 1, 2003:

THOMAS H. FRIEDBERG  
806 Sugar Creek Boulevard  
Sugar Land, Texas 77478

Mr. Friedberg is being reappointed.

TO BE MEMBERS OF THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS for terms to expire January 31, 2003:

STEVEN ELLINGER, AIA  
8133 Drover's Lane  
Abilene, Texas 79602

Mr. Ellinger will be replacing Don W. Kirk of Fort Worth whose term expired.

CHAO CHIUNG LEE, AIA  
4620 Laurel  
Bellaire, Texas 77401

Mr. Lee will be replacing Norcell D. Haywood of San Antonio whose term expired.

DOROTHY VIRGINIA ROBERTS  
1810 Vallejo  
Austin, Texas 78757

Ms. Roberts will be replacing Thomas Daniel Carter, Jr., Ed.D., of El Paso whose term expired.

Respectfully submitted,

/s/George W. Bush  
Governor of Texas

#### CAPITOL PHYSICIAN

The Presiding Officer, Senator Whitmire in Chair, recognized Senator Barrientos, who presented Dr. Michael Lipshen of Austin as the "Doctor for the Day."

Dr. Lipshen, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was made welcome by the Senate.

#### SENATE BILL 655 WITH HOUSE AMENDMENT

Senator Lindsay called **SB 655** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### Amendment

Amend **SB 655** by substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED AN ACT

relating to the fees charged by local governmental officials and the means by which fees may be paid.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading of Subchapter A, Chapter 130, Local Government Code, is amended to read as follows:

SUBCHAPTER A. PAYMENT OF FEES AND TAXES BY CHECK,  
[OR] CREDIT CARD, OR ELECTRONIC MEANS

SECTION 2. Section 130.001, Local Government Code, is amended by adding Subdivision (4) to read as follows:



(4) "Payment by electronic means" means payment by telephone or computer but does not include payment in person or by mail.

SECTION 3. Subchapter A, Chapter 130, Local Government Code, is amended by adding Section 130.0046 to read as follows:

Sec. 130.0046. FEE FOR PAYMENT BY ELECTRONIC MEANS. A county tax assessor-collector that accepts payment by electronic means as conditional payment of a county or state fee or tax may collect a handling fee for processing the payment. The handling fee is in addition to the amount of the fee or tax and may be paid conditionally by electronic means at the same time the tax or fee is paid.

SECTION 4. The heading to Chapter 132, Local Government Code, is amended to read as follows:

CHAPTER 132. PAYMENT OF FEES AND OTHER COSTS  
BY CREDIT CARD OR ELECTRONIC MEANS  
IN MUNICIPALITIES AND COUNTIES

SECTION 5. Section 132.001, Local Government Code, is amended to read as follows:

Sec. 132.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Credit [,"credit] card" means a card, plate, or similar device used to make purchases on credit or to borrow money.

(2) "Payment by electronic means" means payment by telephone or computer but does not include payment in person or by mail.

SECTION 6. Section 132.002, Local Government Code, is amended to read as follows:

Sec. 132.002. PAYMENT OF FEES OR COSTS BY CREDIT CARD OR ELECTRONIC MEANS. (a) The commissioners court of a county may authorize a county or precinct officer who collects fees, fines, court costs, or other charges on behalf of the county or the state to[:

~~[(1)]~~ accept payment by credit card of a fee, fine, court costs, or other charge. The commissioners court may also authorize a county or precinct officer to [,"and

~~[(2)]~~ collect and retain a fee for processing the payment by credit card.

(b) The governing body of a municipality may authorize a municipal official who collects fees, fines, court costs, or other charges to:

(1) accept payment by credit card of a fee, fine, court cost, or other charge; and

(2) collect a fee for processing the payment by credit card.

(c) The commissioners court may authorize a county or precinct officer who collects fees, fines, court costs, or other charges on behalf of the county or the state to accept payment by electronic means of a fee, fine, court costs, or other charge. The commissioners court may also authorize a county or precinct officer to collect and retain a handling fee for processing the payment by electronic means.

(d) A commissioners court may authorize the acceptance of payment by credit card or by electronic means without requiring collection of a fee.

SECTION 7. Section 132.003, Local Government Code, is amended to read as follows:

Sec. 132.003. PROCESSING OR HANDLING FEE. (a) The commissioners court shall set a ~~the~~ processing fee in an amount that is reasonably related to the expense incurred by the county or precinct officer in processing the payment by credit card. However, the court may not set the processing fee in an amount that exceeds five percent of the amount of the fee, court cost, or other charge being paid.

(b) The governing body of a municipality shall set the processing fee in an amount that is reasonably related to the expense incurred by the municipal official in processing the payment by credit card. However, the governing body may not set the processing fee in an amount that exceeds five percent of the amount of the fee, fine, court cost, or other charge being paid.

(c) If the commissioners court authorizes collection of a handling fee under Section 132.002(c), the fee shall be set:

(1) at a flat rate that does not exceed \$5 for each payment transaction; or

(2) at a rate that is reasonably related to the expense incurred by the county or precinct officer in processing a payment by electronic means and that does not exceed five percent of the amount of the fee, court cost, or other charge being paid.

SECTION 8. Section 502.153, Transportation Code, is amended by amending Subsections (b), (c), (e), and (h) and adding Subsection (i) to read as follows:

(b) The county assessor-collector shall examine the evidence of financial responsibility to determine whether it complies with Subsection (c). After examining the evidence, the assessor-collector shall return the evidence unless it is in the form of a photocopy or an electronic submission.

(c) In this section, evidence of financial responsibility may be:

(1) a document listed under Section 601.053(a);

(2) a liability self-insurance or pool coverage document issued by a political subdivision or governmental pool under the authority of Chapter 791, Government Code, Chapter 119, Local Government Code, or other applicable law in at least the minimum amounts required by Chapter 601; ~~or~~

(3) a photocopy of a document described by Subdivision (1) or (2);

or

(4) an electronic submission of a document or the information contained in a document described by Subdivision (1) or (2).

(e) At the time of registration, the county assessor-collector shall provide to a person registering a motor vehicle a separate ~~document that contains a~~ statement that the motor vehicle being registered may not be operated in this state unless:

(1) liability insurance coverage for the motor vehicle in at least the minimum amounts required by law remains in effect to insure against potential losses; or

(2) the motor vehicle is exempt from the insurance requirement because the person has established financial responsibility in a manner described by Section 601.051(2)-(5) or is exempt under Section 601.052.

(h) This section does not prevent a person from registering a motor vehicle by mail or through an electronic submission.

(i) To be valid under this section, an electronic submission must be in a format that is:

(1) submitted by electronic means, including a telephone, facsimile machine, or computer;

(2) approved by the department; and

(3) authorized by the commissioners court for use in the county.

SECTION 9. Section 601.087, Transportation Code, is amended to read as follows:

Sec. 601.087. GOVERNMENTAL RECORD; UNAUTHORIZED CERTIFICATE OR FORM. A standard proof of motor vehicle liability insurance form described by Section 601.081, a certificate described by Section 601.083, [or] a document purporting to be such a form or certificate that is not issued by an insurer authorized to write motor vehicle liability insurance in this state, or an electronic submission in a form described by Section 502.153(i) is a governmental record for purposes of Chapter 37, Penal Code.

SECTION 10. Section 601.196(a), Transportation Code, is amended to read as follows:

(a) A person commits an offense if the person:

(1) forges an evidence of financial responsibility;

(2) signs an evidence of financial responsibility without authority; [or]

(3) files or offers for filing evidence of financial responsibility that the person knows or has reason to believe is forged or signed without authority; or

(4) files or offers for filing an electronic submission of financial information in a form described by Section 502.153(i) that the person knows or has reason to believe is false.

SECTION 11. This Act takes effect September 1, 1997.

SECTION 12. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

On motion of Senator Lindsay, the Senate concurred in the House amendment to **SB 655** by a viva voce vote.

#### **SENATE BILL 1697 WITH HOUSE AMENDMENT**

Senator Ellis called **SB 1697** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### **Floor Amendment No. 1 on Third Reading**

Amend **SB 1697** on third reading as follows:

Page 2 line 27 delete "activities undertaken by a municipality under Chapter 373, Local Government Code" and insert the following language:

"or urban renewal activities undertaken by municipalities and authorized under Chapters 373 and Chapter 374 of the Texas Local Government Code."

The amendment was read.

On motion of Senator Ellis, the Senate concurred in the House amendment to **SB 1697** by a viva voce vote.

(President in Chair)

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 263 ADOPTED**

Senator Zaffirini called from the President's table the Conference Committee Report on **SB 263**. The Conference Committee Report was read and was filed with the Senate on Monday, May 5, 1997.

On motion of Senator Zaffirini, the Conference Committee Report was adopted by a viva voce vote.

(Senator Truan in Chair)

**GUESTS PRESENTED**

Senator Gallegos was recognized and introduced to the Senate a group of sixth-grade students and their teachers from Sherman Elementary School in Houston.

The Senate welcomed its guests.

**SENATE BILL 165 RECOMMITTED**

On motion of Senator Luna and by unanimous consent, **SB 165** was recommitted to the Committee on Jurisprudence.

(President in Chair)

**SENATE CONCURRENT RESOLUTION 75  
ON SECOND READING**

The President laid before the Senate **SCR 75** on its second reading. The resolution was read second time, amended, and further consideration was postponed yesterday to a time certain of 10:00 a.m. today.

**SCR 75**, Authorizing the creation of a commission to study the creation of an institution of higher education to be located in the southern portion of the County of Dallas.

Question—Shall **SCR 75** as amended be adopted?

Senator West offered the following amendment to the resolution:

**Floor Amendment No. 1**

Amend **SCR 75** by striking the first resolving clause (page 1, lines 20 through 31, committee printing) and substituting the following:

RESOLVED, Subject to the appropriation of funds in the General Appropriations Act, 75th Legislature, Regular Session, 1997, for the purpose of conducting a feasibility study concerning the creation of an

upper-level institution of higher education to be located in the southern portion of Dallas County, that the 75th Legislature of the State of Texas hereby authorize the creation of a commission to study the creation of an institution of higher education to be located in the southern portion of Dallas County. The commission membership shall comprise the following: the chairman of the Texas Higher Education Coordinating Board or another member of the Texas Higher Education Coordinating Board appointed by the chairman; the chairman of the board of regents and the chancellor of The Texas A&M University System; two members appointed by the governor, one of whom shall be a resident of the southern region of Dallas County or adjacent counties; two members appointed by the lieutenant governor, one of whom shall be a resident of the southern region of Dallas County or adjacent counties; and two members appointed by the speaker of the house of representatives, one of whom shall be a resident of the southern region of Dallas County or adjacent counties. The appointments shall be made by September 1, 1997; and, be it further

The amendment was read and was adopted by a viva voce vote.

The resolution as amended was finally adopted by a viva voce vote.

(Senator Truan in Chair)

#### HOUSE JOINT RESOLUTION 8 ON THIRD READING

Senator Barrientos moved that the regular order of business be suspended and that **HJR 8** be placed on its third reading and final passage:

**HJR 8**, Proposing a constitutional amendment to extend the full faith and credit of the state to support the Texas tomorrow fund.

The motion prevailed by the following vote: Yeas 20, Nays 9, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Duncan, Ellis, Gallegos, Harris, Lucio, Luna, Madla, Moncrief, Patterson, Shapleigh, Sibley, Truan, West, Whitmire, Zaffirini.

Nays: Carona, Galloway, Haywood, Lindsay, Nelson, Nixon, Ogden, Ratliff, Shapiro.

Present-not voting: Wentworth.

Absent: Fraser.

**HJR 8** was read third time.

On motion of Senator Barrientos and by unanimous consent, further consideration of **HJR 8** was postponed to a time certain of 11:00 a.m. today.

Question—Shall **HJR 8** be finally passed?

#### GUESTS PRESENTED

Senator Sibley was recognized and introduced to the Senate a group of students from De Leon High School in De Leon.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Carona was recognized and introduced to the Senate a group of students, their teachers, and the assistant principal of W. H. Gaston Middle School of Dallas.

The Senate welcomed its guests.

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE  
SENATE BILL 755 ON THIRD READING**

Senator Lucio moved that the regular order of business be suspended and that **CSSB 755** be placed on its third reading and final passage:

**CSSB 755**, Relating to the number of hours that certain employers may require an employee to work; providing a penalty.

The motion was lost by the following vote: Yeas 17, Nays 9. (Not receiving two-thirds vote of Members present)

Yeas: Cain, Ellis, Gallegos, Harris, Haywood, Lucio, Luna, Madla, Moncrief, Nixon, Patterson, Shapleigh, Sibley, Truan, West, Whitmire, Zaffirini.

Nays: Bivins, Carona, Duncan, Fraser, Galloway, Nelson, Ogden, Shapiro, Wentworth.

Absent: Armbrister, Barrientos, Brown, Lindsay, Ratliff.

(Senator Brown in Chair)

**COMMITTEE SUBSTITUTE  
HOUSE BILL 358 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**CSHB 358**, Relating to certain misbranded drugs and devices and the use of certain detained or embargoed articles.

The bill was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 358 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 358** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CSHB 358** was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 1048 ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 1048**, Relating to exempting from ad valorem taxation property owned by certain organizations constructing, repairing, and providing housing for low-income and moderate-income persons.

The bill was read second time.

Senator Truan offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 1048**, Section 11.182, on page 2, line 6, by adding a new Subsection (c) to read as follows and renumbering subsequent sections appropriately:

(c) A person claiming an exemption for property described under this section must comply with the requirements of Section 11.43(a) and (b).

The committee amendment was read and was adopted by a viva voce vote.

**SB 1048** as amended was passed to engrossment by a viva voce vote.

**SENATE BILL 1048 ON THIRD READING**

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1048** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SB 1048** was read third time and was passed by a viva voce vote.

**MESSAGE FROM THE HOUSE****HOUSE CHAMBER**

Austin, Texas

Wednesday, May 7, 1997

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

**THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**

**HCR 233**, Designating May 4-10, 1997, as Texas Community Action Week.

**SCR 24**, Relating to directing the Texas Department of Transportation to monitor discussions addressing overweight trucks.

**SCR 32**, Extending the term of the Red River Boundary Commission to June 30, 2000.

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

**COMMITTEE SUBSTITUTE  
SENATE BILL 1594 ON SECOND READING**

On motion of Senator Haywood and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 1594**, Relating to the enforcement and collection of child support; providing a penalty.

The bill was read second time.

Senator Haywood offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 1594** by inserting the following appropriately numbered section and renumbering the sections of the bill accordingly:

**SECTION \_\_**. Chapter 203, Family Code, is amended by adding Section 203.008 to read as follows:

**Sec. 203.008. INFORMATION TO ASSIST IN LOCATION OF PERSONS OR PROPERTY.** (a) If necessary to establish, modify, or enforce a child support order, a domestic relations office may obtain from any person information relating to another person's identity, location, employment, compensation, benefits, income, property holdings, or other assets.

(b) A person receiving a request for information under Subsection (a) shall:

(1) provide the information requested in the most efficient manner available, including using electronic transfer; and

(2) guarantee the privacy and security of the information.

(c) A person that discloses information under this section in response to a request from a domestic relations office may not be held liable for damages that result from the disclosure of the information.

The amendment was read.

On motion of Senator Haywood and by unanimous consent, further consideration of **CSSB 1594** was postponed to a time certain of 11:30 a.m. today.

Question—Shall Floor Amendment No. 1 to **CSSB 1594** be adopted?

**HOUSE BILL 6 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:



**HB 6**, Relating to the reapportionment of certain state representative districts.

The bill was read second time and was passed to third reading by a viva voce vote.

#### **HOUSE BILL 6 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 6** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**HB 6** was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **HOUSE JOINT RESOLUTION 8 ON THIRD READING**

The Presiding Officer, Senator Brown in Chair, laid before the Senate **HJR 8** on its third reading and final passage. The resolution was read third time and further consideration was postponed to a time certain of 11:00 a.m. today.

**HJR 8**, Proposing a constitutional amendment to extend the full faith and credit of the state to support the Texas tomorrow fund.

Question—Shall **HJR 8** be finally passed?

The resolution was finally passed by the following vote: Yeas 21, Nays 9, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Duncan, Ellis, Gallegos, Harris, Haywood, Lucio, Luna, Madla, Moncrief, Patterson, Shapleigh, Sibley, Truan, West, Whitmire, Zaffirini.

Nays: Carona, Fraser, Galloway, Lindsay, Nelson, Nixon, Ogden, Ratliff, Shapiro.

Present-not voting: Wentworth.

#### **HOUSE BILL 8 ON THIRD READING**

Senator Barrientos moved that the regular order of business be suspended and that **HB 8** be placed on its third reading and final passage:

**HB 8**, Relating to the extension of the full faith and credit of the state to support the Texas tomorrow fund.

The motion prevailed by the following vote: Yeas 21, Nays 9, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Duncan, Ellis, Gallegos, Harris, Haywood, Lucio, Luna, Madla, Moncrief, Patterson, Shapleigh, Sibley, Truan, West, Whitmire, Zaffirini.

Nays: Carona, Fraser, Galloway, Lindsay, Nelson, Nixon, Ogden, Ratliff, Shapiro.

Present-not voting: Wentworth.

**HB 8** was read third time and was passed by a viva voce vote.

**RECORD OF VOTES**

Senators Carona, Fraser, Galloway, Lindsay, Nelson, Nixon, Ogden, Ratliff, and Shapiro asked to be recorded as voting "Nay" on the final passage of the bill.

Senator Wentworth asked to be recorded as "Present-not voting" on the final passage of the bill.

**HOUSE BILL 9 ON THIRD READING**

Senator Barrientos moved that the regular order of business be suspended and that **HB 9** be placed on its third reading and final passage:

**HB 9**, Relating to the prepaid higher education tuition program.

The motion prevailed by the following vote: Yeas 24, Nays 5, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Duncan, Ellis, Fraser, Gallegos, Harris, Lucio, Luna, Madla, Moncrief, Nelson, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, West, Whitmire, Zaffirini.

Nays: Carona, Galloway, Lindsay, Nixon, Ogden.

Present-not voting: Wentworth.

Absent: Haywood.

**HB 9** was read third time and was passed by the following vote: Yeas 25, Nays 4, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Duncan, Ellis, Fraser, Gallegos, Harris, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, West, Whitmire, Zaffirini.

Nays: Carona, Galloway, Lindsay, Ogden.

Present-not voting: Wentworth.

Absent: Haywood.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1571 ON SECOND READING**

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 1571**, Relating to pricing methodology for wheeling and to ratemaking proceedings for certain utilities.

The bill was read second time.

Senator Madla offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1571** as follows:

Strike Section 1 of the bill and renumber subsequent sections accordingly.

The amendment was read and was adopted by a viva voce vote.

Senator Patterson offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 1571**, SECTION 1, on page 2, line 3, by adding a new subsection (h) to Sec. 2.057 of the Public Utility Regulatory Act of 1995 (Article 1446c-0 Vernon's Civil Statutes) to read as follows:

(h) Notwithstanding any other provision of this Act, all generation suppliers and customers of utilities shall have comparable, nondiscriminatory access to unbundled transmission and distribution service by September 1, 2001.

The amendment was read.

**POINT OF ORDER**

Senator Madla raised a point of order that Floor Amendment No. 2 was not germane to the body of the bill.

**POINT OF ORDER RULING**

The Presiding Officer, Senator Brown in Chair, ruled that the point of order was well-taken and sustained.

**CSSB 1571** as amended was passed to engrossment by the following vote: Yeas 19, Nays 7.

Yeas: Armbrister, Brown, Carona, Ellis, Gallegos, Galloway, Harris, Lindsay, Lucio, Madla, Moncrief, Nelson, Ogden, Patterson, Shapiro, Truan, West, Whitmire, Zaffirini.

Nays: Bivins, Cain, Duncan, Fraser, Haywood, Nixon, Wentworth.

Absent: Barrientos, Luna, Ratliff, Shapleigh, Sibley.

**HOUSE BILL 614 ON SECOND READING**

On motion of Senator Cain and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**HB 614**, Relating to the jurisdiction of justice courts.

The bill was read second time and was passed to third reading by a viva voce vote.

**HOUSE BILL 614 ON THIRD READING**

Senator Cain moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 614** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**HB 614** was read third time and was passed by the following vote: Yeas 31, Nays 0.

**GUESTS PRESENTED**

The Presiding Officer, Senator Brown in Chair, introduced to the Senate Judge Don Cain and his wife Betty Ann, the parents of Senator Cain.

The Senate welcomed Judge and Mrs. Cain.

**SENATE BILL 1476 ON SECOND READING**

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 1476**, Relating to exempting certain children in foster or residential care from the payment of tuition and fees at state-supported institutions of higher education.

The bill was read second time.

Senator Lindsay offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 1476**, Section 54.211, Education Code, by changing "and" on line 24 to "or" and adding between lines 24 and 25 "(C) when the student graduated from high school or received the equivalent of a high school diploma, regardless of the student's age; and"

The amendment was read and was adopted by a viva voce vote.

**SB 1476** as amended was passed to engrossment by a viva voce vote.

**SENATE BILL 1476 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1476** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SB 1476** was read third time and was passed by the following vote: Yeas 31, Nays 0.

**BILLS SIGNED**

The Presiding Officer announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

**HB 567, HB 1520, HB 2277**

**COMMITTEE SUBSTITUTE****SENATE BILL 1440 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 1440**, Relating to tax exemptions on oil and gas production.

The bill was read second time.

Senator West offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1440** as follows:

(1) Insert a new SECTION 3 of the bill (page 2, between lines 26 and 27) to read as follows:

SECTION 3. Subchapter H, Chapter 202, Tax Code, is amended by adding Section 202.354 to read as follows:

Sec. 202.354. DEDICATION TO TEXAS TUITION ASSISTANCE GRANT PROGRAM. The revenue collected from any incremental production from a qualifying lease, as those terms are defined by Section 202.057, and deposited to the general revenue fund may only be spent to fund the Texas tuition assistance grant program under Subchapter G, Chapter 56, Education Code.

(2) Renumber subsequent SECTIONS appropriately.

The amendment was read and was adopted by the following vote: Yeas 22, Nays 4, Present-not voting 3.

Yeas: Armbrister, Barrientos, Cain, Carona, Ellis, Fraser, Gallegos, Galloway, Lindsay, Lucio, Luna, Madla, Nelson, Patterson, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Brown, Harris, Nixon, Ratliff.

Present-not voting: Bivins, Moncrief, Ogden.

Absent: Duncan, Haywood.

**CSSB 1440** as amended was passed to engrossment by a viva voce vote.

**RECORD OF VOTES**

Senators Bivins, Moncrief, and Ogden asked to be recorded as "Present-not voting" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE**

**SENATE BILL 1440 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1440** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0, Present-not voting 3.

Yeas: Armbrister, Barrientos, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Nelson, Nixon, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Present-not voting: Bivins, Moncrief, Ogden.

**CSSB 1440** was read third time and was passed by a viva voce vote.

### **RECORD OF VOTES**

Senators Bivins, Moncrief, and Ogden asked to be recorded as "Present-not voting" on the final passage of the bill.

### **HOUSE JOINT RESOLUTION 59 ON SECOND READING**

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**HJR 59**, Proposing a constitutional amendment limiting debt payable from the general revenue fund.

The resolution was read second time and was passed to third reading by a viva voce vote.

### **HOUSE JOINT RESOLUTION 59 ON THIRD READING**

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HJR 59** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**HJR 59** was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **COMMITTEE SUBSTITUTE SENATE BILL 1594 ON SECOND READING**

The Presiding Officer laid before the Senate **CSSB 1594** on its second reading. The bill was read second time, an amendment was offered, and further consideration postponed to a time certain of 11:30 a.m. today.

**CSSB 1594**, Relating to the enforcement and collection of child support; providing a penalty.

Question—Shall Floor Amendment No. 1 to **CSSB 1594** be adopted?

On motion of Senator Haywood and by unanimous consent, further consideration of **CSSB 1594** was again postponed to a time certain of 9:00 a.m. tomorrow.

### **PERMISSION TO INTRODUCE BILL**

On motion of Senator Truan and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bill: **SB 1948**

### **SENATE BILL ON FIRST READING**

The following bill was introduced, read first time, and referred to the committee indicated:

**SB 1948** by Sibley

Relating to the treatment of certain annuities as charitable gift annuities and the application of the Insurance Code and certain other laws to charitable gift annuities.

To Committee on Economic Development.

**NOTICE GIVEN FOR  
LOCAL AND UNCONTESTED CALENDAR**

Senator Harris announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held tomorrow upon conclusion of the daily session, and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

**SENATE RULE 11.19 SUSPENDED  
(Posting Rule)**

On motion of Senator Ratliff and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Finance might consider the following bills tomorrow: **HB 621, HB 1855, HB 107**

**SENATE RULE 11.11 SUSPENDED  
(Posting Rule)**

On motion of Senator Armbrister and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Tax Reform and Public School Finance might meet today.

**MEMORIAL RESOLUTIONS**

**SR 655** - by Lucio: In memory of Dayne and Bonnie Hill of Edinburg.

**SR 657** - by Lucio: In memory of Cornelio Reyna of Mexico and the Rio Grande Valley.

**HCR 90** - (Ellis): In memory of the Honorable Barbara C. Jordan.

**HCR 221** - (Armbrister): In memory of the Honorable James C. Day, Jr.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**SR 658** - by Lucio: Congratulating Coach Al Ogletree of The University of Texas—Pan American.

**SR 661** - by Barrientos: Congratulating Daniel Mora of Austin.

**SR 662** - by Barrientos: Congratulating Jacob Cloud.

**SR 663** - by Barrientos: Welcoming to Austin and commending the Chorgemeinschaft Lied Hoch of Germany.

**SR 666** - by Whitmire: Commending the Texas State Inspection Association.

**SR 667** - by Cain: Congratulating William and Marie Wilcott.

**SR 668** - by Cain: Congratulating Adean and Robert Glover of Terrell.

**SR 669** - by Cain: Congratulating Thelma and Nolan Jones of Hereford.

**SR 670** - by Cain: Congratulating Jimmy and Jean Adcock.

**SR 671** - by Cain: Congratulating Kenneth and Wilma Ruth Tucker.

**SR 672** - by Cain: Congratulating Doris and R. C. Phillips of Reagor Springs.

**SR 673** - by Cain: Congratulating Lola and Moss Hatchel of Kaufman.

**SR 674** - by Cain: Congratulating Nell and W. R. "Roland" Taylor of Lavon.

**SR 675** - by Cain: Congratulating E. James Bowles of Dallas.

**SR 676** - by Cain: Commending Leo L. Baker of Dallas.

**SR 677** - by Cain: Congratulating Crystal Conner of Mabank.

**SR 678** - by Cain: Congratulating Lila and David Sutherland of Fannin County.

**SR 679** - by Cain: Congratulating Joyce and Joe Bono of Bonham.

**SR 680** - by Cain: Congratulating Mr. and Mrs. Haynes Ford of Kemp.

**SR 681** - by Cain: Congratulating Imogene and Wayne Poe of Scurry.

**SR 682** - by Cain: Congratulating Enos and Jessie Hooten of Point.

**SR 683** - by Cain: Congratulating Oscar and Thelma Lewis of Kaufman.

**SR 684** - by Cain: Congratulating Evelyn and Joe Holt.

**HCR 234** - (Bivins): Honoring Tom Ingram on the occasion of his 80th birthday.

#### **MISCELLANEOUS RESOLUTIONS**

**SR 660** - by Shapleigh: Recognizing the Big Bend Bluebonnet "Texas" series.

**SR 665** - by Moncrief: Recognizing Stand For Children day, June 1, 1997.

**HCR 39** - (Ogden): Recognizing May 1, 1997, as the official National Day of Prayer.

#### **ADJOURNMENT**

On motion of Senator Truan, the Senate at 12:09 p.m. adjourned until 9:00 a.m. tomorrow.



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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Senate:

May 7, 1997

ADMINISTRATION — SCR 81

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — SB 1766

CRIMINAL JUSTICE — HB 3558, HB 3212, HB 2699, HB 1747,  
HB 1482, HB 1422, HB 260

EDUCATION — CSSB 1918, CSSB 1919

ECONOMIC DEVELOPMENT — HB 423, HB 627, HB 1632, HB 1976,  
HB 1977

INTERGOVERNMENTAL RELATIONS — HB 1204 (Amended),  
SB 1799 (Amended)

HEALTH AND HUMAN SERVICES — HB 212, HCR 79, HB 213,  
HB 1875, HB 2509, HB 1039, HB 460, HB 1407, HB 663, HB 1719,  
HB 2080, HB 1085

